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William Reubart, Jon Verde and Harold Wickham*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BENJAMIN ESPINOSA,
Plaintiff,

vs.

WILLIAM GITTERE, et al.,
Defendants.

Case No. 3:21-cv-00205-ART-CLB

**ORDER GRANTING MOTION FOR
ENLARGEMENT OF TIME TO REPLY
TO PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT, ECF No. 72
(First Request)**

Defendants, Teresa Clark, Gloria Carpenter, David Drummond, William Gittere, Dennis Homan, Dawn Jones, William Reubart, Jon Verde and Harold Wickham, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Janet E. Traut, Deputy Attorney General, move for an extension of time to respond to Plaintiff's Response to Defendants' Motion for Summary Judgment, ECF No. 72. This Motion is made and based on the following Points and Authorities, Fed. R. Civ. P. 6(b) and 56, and the existing court record.

MEMORANDUM OF POINTS AND AUTHORITIES

I. NATURE OF THE MOTION

Defendants have moved for summary judgment. ECF No. 62. Espinosa opposed the summary judgment motion. ECF No. 72 and 66. But Espinosa simultaneously moved

1 for leave to file his exhibits under seal. ECF No. 73. Plaintiff did not serve Defendants
2 with his exhibits supporting the Opposition.

3 Defendants opposed the motion to file Plaintiff's exhibits under seal. ECF No. 77.
4 Defendants are now left with the difficult task of replying to Plaintiff's opposition without
5 having the opportunity to examine any of the evidence supporting Plaintiff's Opposition.

6 Therefore, Defendants respectfully request the full 14 days after service of a
7 response in which to complete their reply pursuant to LR 7-2(b) after either 1) the Court
8 denies his motion to file under seal and the documents are available through e-filing or 2)
9 Espinosa mails the documents to Defendants' counsel and files a certificate of mailing
10 with the Court showing the date the complete Appendix Vol. I was mailed.

11 **II. ARGUMENT**

12 The Court may extend the time allowed for an act when good cause is shown to do
13 so. Fed. R. Civ. P. 6(b)(1)(A). Here, Defense counsel respectfully requests an extension of
14 time for the full 14 days permitted for a reply to a motion for summary judgment after
15 receipt of Espinosa's evidence.

16 In the event the Court denies Espinosa's motion for leave to file under seal, then
17 the documents would be filed and the Defendants would be able to access the documents;
18 Defendants request 14 days for their reply brief after that date certain. In the event the
19 Court grants Espinosa's motion for leave to file under seal, then the documents would
20 still need to be provided to the Defendants. Defendants request the Court order Espinosa
21 to e-file a certificate of mailing stating the date he mailed the complete copy of the
22 Appendix Vol. I and its attachments to the Defendants' counsel, and that the Defendants
23 have 14 days to reply thereafter. Defendants believe the failure of the Plaintiff to provide
24 his evidence in support of his Response for examination is good cause for an enlargement
25 of time to reply once the evidence is received.

26 All of the deadlines in this case have passed, except for the proposed joint pretrial
27 order, which is to be set after decision of the dispositive motion in this case.

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1 **III. CONCLUSION**

2 Defendants respectfully request this Court extend the deadline for replying to
3 Espinosa's Response by 14 days, dependent on the actions of the Court and the Plaintiff.
4 Defendants assert the requisite good cause is present to warrant an extension of time.
5 Therefore, Defendants request should be granted.

6 DATED this 1st day of August 2023.

7 AARON D. FORD
8 Attorney General

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10 By:



JANET E. TRAUT, Bar No. 8695
Deputy Attorney General

Attorneys for Defendants

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14 **ORDER**

15 Defendants' motion, (ECF No. 79), is granted. The Clerk's Office shall provide a one
16 time courtesy copy of the documents filed under seal at ECF No. 74 (Plaintiff's
17 Appendix Vol. 1) to Defendants. Defendants shall file their reply to Plaintiff's response to
the motion for summary judgment by no later than **Wednesday, August 23, 2023**.

18 **IT IS SO ORDERED.**

19 **Dated:** August 2, 2023.



UNITED STATES MAGISTRATE JUDGE